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8  
9 Attorneys for Plaintiff  
10 TULELAKE POTATO DISTRIBUTORS, INC.

11 UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA  
13 SACRAMENTO DIVISION

14 TULELAKE POTATO  
15 DISTRIBUTORS, INC., a corporation,

16 Plaintiff,

17 v.

18  
19 MCKOEN & ASSOCIATES, LLC., an  
20 Oregon limited liability company;  
21 LINDA MCKOEN, as Executor and/or  
22 Administrator for the ESTATE OF  
23 MICHAEL MCKOEN; LEO F.  
24 MCKOEN, JR.; an individual; and  
25 MICHAEL J. MCKOEN, an  
26 individual,

27 Defendants.

CASE NO. S-03-CV-1564-DFL-  
DAD

**STIPULATION OF DISMISSAL;  
[PROPOSED] ORDER  
THEREON**

28  
////

1 Plaintiff TULELAKE POTATO DISTRIBUTORS, INC. ("Plaintiff") and  
2 Defendants McKOEN & ASSOCIATES, LCC; LINDA McKOEN; ESTATE OF  
3 MICHAEL McKOEN; LEO F. McKOEN; and MICHAEL J. McKOEN  
4 ("Defendants"), by and through their respective counsel of record as indicated  
5 below, hereby stipulate as follows:

6 1. The present matter has been resolved pursuant to a settlement as to all  
7 issues and all parties.

8 2. The Complaint filed by Plaintiff on or about July 25, 2003 be and  
9 hereby is dismissed with prejudice against all Defendants.

10 3. All parties shall each be responsible for their own attorney's fees and  
11 costs incurred in this case but not the attorney's fees and costs of any other party.

12 4. This Stipulation may be executed in one or more counterparts, each of  
13 which when so executed shall be deemed an original, but all of such counterparts  
14 shall constitute one and the same instrument.

15  
16 **SO STIPULATED.**

17 **RYNN & JANOWSKY, LLP**

18 s/Bart M. Botta

19  
20 Dated: \_\_\_\_\_

21 \_\_\_\_\_  
22 BART M. BOTTA, attorneys for  
23 Plaintiff TULELAKE POTATO  
24 DISTRIBUTORS, INC.

25 **MEUERS LAW FIRM**

26 s/Katy L. Koestner

27  
28 Dated: \_\_\_\_\_

\_\_\_\_\_  
KATY L. KOESTNER, attorneys for  
Defendants McKOEN &  
ASSOCIATES, LLC, *et al.*

LAW OFFICES  
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**ORDER**

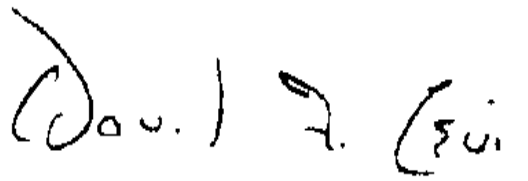
Based upon the review of the foregoing Stipulation for Dismissal and good cause appearing therefor,

IT IS HEREBY ORDERED that the Stipulation is approved in its entirety;

IT IS FURTHER ORDERED that Plaintiff's complaint and this lawsuit be and hereby are dismissed in their entirety, with prejudice, as to all parties and all causes of action.

IT IS SO ORDERED.

This 19 day of May, 2005.



DAVID F. LEVI  
United States District Judge

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is: 4100 Newport Place Drive, Suite 700, Newport Beach, California 92660.

On May 20, 2005, I served the foregoing document(s) described as: **STIPULATION OF DISMISSAL** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes as follows:

MS. KATY L. KOESTNER  
MUERS LAW FIRM  
5395 PARK CENTRAL COURT  
NAPLES, FL 34109-5932

**[X] BY U.S. MAIL.** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same date with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit. Executed on May 20, 2005, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

s/Trista Dunn

\_\_\_\_\_  
TRISTA DUNN

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